

## Instructions for Petition for Order for Protection – Domestic Violence

### DOMESTIC VIOLENCE ATTORNEY CONTACT INFORMATION:

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The Stillaguamish Tribe has a domestic violence attorney who may be able to help you with your petition for a domestic violent protection order free of charge. If you choose to go forward without an attorney, these instructions should help you fill out the petition.

***Note: At the end of this document, there is a list of resources for you!***

The petition is used to start a domestic violence protection order case. The petition will be:

- Filed as a public court record and will start a civil court case.
- Served (personal delivery) to the person from whom you need protection.

The information in the petition is used by the Court to determine if:

- The Court has authority to enter an order on your behalf.
- If the relationship between you and the other party meets the legal definitions required in the Code.
- If the Respondent's behavior towards you meets the legal definition of domestic violence.

Use this petition to request both immediate temporary protection ***and*** full protection.

#### Immediate Protection:

If you need immediate protection, and the court finds an emergency exists, the court may immediately issue a temporary order that will last until the Court holds a hearing, usually within 14 days.

During the 14 days, the Respondent must be served the following:

- petition,
- temporary order and notice of hearing,
- any order to surrender weapons issued without notice, and
- any other declarations or documents, if any, filed with the Court.

Service may be done by:

- Stillaguamish Tribal Police
- a law enforcement agency where the Respondent lives or works, free of charge,
- a hired professional process server, or
- a person 18 or over who is not a party to this action.

The person completing service on the Respondent must file an affidavit, declaration, or certificate of service with the Court or the hearing cannot go forward.

#### Full Order for Protection:

At the hearing, the Court will determine if it should issue a full Order for Protection. The Respondent has a right to attend that hearing.

## PLEASE PRINT CLEARLY, USING BLACK OR BLUE INK ONLY

In order to petition for a Protection Order, you will need to submit the following documents:

1. Petition for Order For Protection- DV
2. Foreign Protection Order Information Form
3. Law Enforcement Information Form
4. Confidential Information Form (INFO)
5. Temporary Order for Protection- DV

This packet will assist you with filling out these forms.

### PETITION FOR PROTECTION:

- Top of Petition (Page 1)

You are the “Petitioner”. Fill in your name (First, Middle, Last name) and Date of Birth on the Petitioner line. The person you want protection from is the “Respondent”. Fill in the respondent’s name (First, Middle, Last name) and Date of Birth on the Respondent line.
- 1. Petitioner- Check this box if you need protection. Check the box stating if you are a Stillaguamish Tribal Member or a member of another federally recognized Tribe (include the name).
- 2. Check this box if a minor child or vulnerable adult in your household is a victim of domestic violence. Include if they are Tribal.
- 3. This box exists if the Petitioner is the Tribe’s child welfare program. Leave this box unchecked.
- 4. This box is for professionals petitioning for protection on behalf of an elder. Check this box if you are a professional petitioning for an order of protection on behalf of an elder.
- 5. If your protection order includes minors, fill out this section with minor identification. If there are no minors, check the box “No Minors involved.”
- 6. In this section, you will need to put information about the Respondent (Remember: this is the person you are seeking protection from). Fill this section out to the best of your knowledge.
- 7. In this section, you need to provide any court cases you, the Respondent, or the minors are involved in.
- 8. This is the section in which you provide the Court with specific information about what you are asking for an order to do:
  - a. Check this box to restrain the Respondent from threatening, stalking or causing physical harm. Check the appropriate box to determine who you are asking to be protected.
  - b. To restrain Respondent from harassing or stalking, check this box. Also, list any other household members or minors the Respondent should be restrained from harassing or stalking.

- c. Check this box to prevent Respondent from contacting you, the minors, or another protected person.
- d. To exclude restrained person from your home, work, school, or the school or resident of the minors, check this box. If your address is confidential, you can keep it confidential.
- e. Check this box if you and the restrained person have a shared residence and you need them vacated from the residence.
- f. Use this section to ask the Court to restrain the individual from coming within a certain distance of your home, work, school, or the school of the protected person. Put the distance in feet.
- g. Use this section to ask the Court to order specific property be given to you from the restrained person.
- h. Use this section if you want to ask the Court for possession of a vehicle. This may be appropriate if the restrained person is your partner and has your vehicle.
- i. Use this section if you have other requests. An example may be an order to have a pet returned to you.
- j. MINORS: The next sections relate to minors. Use this section if you want the Court to grant you care, custody and control of the minors.
- k. Use this section if you want to ask the Court to restrain the Respondent from interfering with your physical or legal custody of minors.
- l. Use this section if you want the Court to restrain Respondent from taking the minors out of state.
- m. ADDITIONAL REQUESTS: Check this first box if you want the Court to order Respondent to get domestic violence treatment or counseling services.
- n. Check this box if you want Respondent to pay your legal fees associated with this Court case.
- o. If you want the order to last longer than one year, check this box.
- p. Check this box if you want the Respondent to surrender firearms or any other dangerous weapons and to prohibit Respondent from possessing or obtaining firearms or dangerous weapons.

### Emergency Protection

Check the 1<sup>st</sup> box if an emergency exists and you want to ask the Court to issue a temporary order immediately. Check the 2<sup>nd</sup> box if you want to ask the Court to order the Respondent to surrender firearm or other dangerous weapons immediately. In the space below the check boxes, explain what irreparable harm would result if the Court did not issue temporary protection immediately.

### Special Assistance

Check the boxes that apply if you need law enforcement to assist you with anything listed after the protection order is filed.

## Statement

This is where you get to describe to the Court why a protection order is needed. This document will be filed in the Court file and shall be served on the Respondent. If you do not include a particular incident of domestic violence in your statement, you may not have an opportunity to tell the Court at the hearing. Describe exactly what happened when you were threatened or hurt. Provide as much detail as you can such as dates, times, witnesses, injuries, if any, or medical treatment, if any. The more details you can provide the more helpful it is to the Judge. If there is an emergency, explain why so the Court can issue an immediate temporary order before the hearing. There are several places for you to describe what happened.

If you need additional space, you can attach additional pages to the petition.

When you sign this statement, you are swearing under penalty of perjury that the statement is true and correct.

## **LAW ENFORCEMENT FORMS**

The following forms also need to be submitted with the petition:

1. Foreign Protection Order Information Form
2. Law Enforcement Information Form
3. Confidential Information Form (INFO)

These forms are used to help get the protection order recognized by Snohomish County Superior Court and to place this information into the Law Enforcement databases. Fill these documents out to the best of your knowledge. Don't worry if you do not have all the information, just do your best.

## **TEMPORARY ORDER OF PROTECTION**

In order to help the Judge turn around the order as quickly as possible, it helps to have a temporary order of protection already drafted for the Judge's signature. If you can, fill this out to the best of your knowledge.

- Page 1:
  - You are the Petitioner, the person you want protection from is the Respondent
  - Next Hearing date- the Court Clerk will fill this out
  - Fill out the rest of the page to the best of your knowledge
- Page 2 & 3:
  - Fill these pages out to mirror your requests in the petition
- Page 4:
  - Check the box "Surrender of Weapons Order" if you are asking the Court to require Respondent to surrender their weapons immediately. If you know what weapons the Respondent has, list them on the blank lines.
- Page 5:

- Protection Order Data Entry- typically check the box that the Court Clerk shall forward to Snohomish County Court for Full Faith and Credit
  - Service- typically if Respondent is on or near Stillaguamish Tribal Lands, the Stillaguamish Police will serve the order.
- Page 6:
    - Fill this out if you need law enforcement assistance and sign where it says “Petitioner”

### **WHAT TO EXPECT**

If you have asked for emergency protection, the Court will review your petition as soon as possible and will determine whether or not a temporary order of protection should be issued. If an order is issued, you will receive a copy of the order. Keep your copy of the order with you. This temporary order will be in place until a hearing is held.

The petition and temporary order will need to be served on the Respondent- this may be done by the police, or you can arrange for service by some other way that is legally sufficient.

The Court will set a court date within 14 days. At this hearing, the Court will determine if a permanent order should be entered (Note: “permanent” in this context means that it will last a year or more). The Respondent will be able to appear at the hearing and respond to the petition.

If Respondent violates the protection order, call the police. Violations of protection orders can result in criminal charges.

### **SNOHOMISH COUNTY FULL FAITH AND CREDIT ORDER**

If you are granted a protection order from the Stillaguamish Tribal Court, the Stillaguamish Tribal Court will request that Snohomish County give full faith and credit to the Stillaguamish Order. This means that Snohomish County Superior Court will issue a cause number and treat the Stillaguamish Order as if it were its own order. After the Snohomish County Superior Court issues full faith and credit on your protection order, you can register for automatic notices through VINE.

As authorized by RCW 36.28A.410, WA VINE Protective Order is an automated service that allows you, the Petitioner, to track the status of a protective order over the phone or internet. You can also register to be notified by phone and email about changes in the status of a protective order. If you register for notification, you will receive important notifications regarding the service status of your protective order, a 90-day expiration warning, and notification if the Respondent in your order attempts to purchase/transfer a firearm while they are prohibited and are denied.

Please note that VINE is not offered through the Stillaguamish Tribal Court and actions done in the Stillaguamish Tribal Court may not be accurately reflected by the VINE notification service.

For VINE information, call 1-877-242-4055, or visit [www.registervpo.com](http://www.registervpo.com). Do not rely solely on a DVPO for your safety. If you feel you are in danger, call 9-1-1.

## **TRIBAL RESOURCES FOR VICTIMS**

**Stillaguamish Tribal Police-** *in an emergency call 9-1-1!* (360) 474-9111

**Mental Health Services-** Stillaguamish Behavioral Health offers confidential mental health services for domestic violence victims. (360) 435-3985

**Family Resources-** Stillaguamish Family Resources may be able to help you with finding resources, accessing food vouchers, or help with utility payments. If you are a Stillaguamish Tribal member or you have Stillaguamish Tribal children, Family Resources may be able to assist you with temporary housing as well. (360) 572-3549

**Stillaguamish Tribal Court-** (360) 474-8562

**Strong Hearts Help Line-** 24/7 safe, confidential and anonymous domestic violence, dating, and sexual violence helpline for natives offering culturally appropriate support and advocacy. 1-833-7NATIVE (762-8483). [www.strongheartshelpline.org](http://www.strongheartshelpline.org)

## **OTHER RESOURCES**

**Domestic Violence Services of Snohomish County-** can assist with finding emergency shelter, support groups, or domestic violence education. Can assist with legal advocacy in non-tribal courts. 24-hour crisis line (425) 252-2873